

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RICHARD MITCHELL,)	
)	
Plaintiff,)	
)	Case No. 4:23-CV-00138-GAF
v.)	
)	
THE DIEZ GROUP, LLC d/b/a DIEZ)	
GROUP, et al.,)	
)	
Defendants.)	

**JOINT RESPONSE TO ORDER TO
SHOW CAUSE (DOC. 17)**

In compliance with this Court’s July 5, 2023 Show Cause Order, counsel for Plaintiff Richard Mitchell (“Plaintiff”) and counsel for Defendants The Diez Group, LLC d/b/a Diez Group and The Diez Group Kansas City LLC d/b/a Delaco Steel Kansas City (collectively “Defendants”) jointly submit the following response regarding the unintentional delay in submitting their Joint Proposed Scheduling Order and Discovery Plan:

1. Plaintiff filed his Complaint on February 27, 2023. *See* Doc. 1. Pursuant to the Waiver of Service of Summons executed by Defendants’ counsel, Defendants’ deadline to file a responsive pleading was May 12, 2023. *See* Doc. 3.

2. On May 3, 2023, former counsel for Plaintiff, Lauren H. Beck, filed a Motion to Withdraw her Entry of Appearance in connection with her departure from Cornerstone Law Firm. *See* Doc. 9.

3. On May 12, 2023, Defendants timely filed their Answer. *See* Doc. 10.

4. On May 15, 2023, the Court issued a Rule 16 Notice setting a deadline of June 19, 2023 for the parties to conduct their Rule 26(f) conference, and a deadline of June 29, 2023 for the

parties to file their proposed scheduling order and discovery plan. Doc. 11.

5. At the time the Court issued its Rule 16 Notice, former counsel for the Plaintiff Lauren Beck had already left Cornerstone Law Firm, but due to an administrative oversight, current counsel for Plaintiff, Katherine Paulus, had not yet entered her appearance in this matter.

6. After realizing she had not yet done so, on May 18, 2023, counsel Katherine Paulus filed her Entry of Appearance in this matter. *See* Doc. 12. The Court granted Ms. Beck's Motion to Withdraw her Appearance the next day. *See* Doc. 13.

7. The parties held their Rule 26(f) conference by telephone on June 15, 2023. Thereafter, in compliance with Local Rule 16.1(d), counsel for Plaintiff prepared the draft Joint Proposed Scheduling Order and Discovery Plan and sent it to Defendants' counsel to review the next week.

8. Although the parties participated in the initial MAP teleconference scheduled with MAP Director Laurel Stevenson for this matter on the morning of June 28, 2023, and exchanged Initial Rule 26(a)(1) Disclosures on June 29, 2023, they inadvertently overlooked the deadline to finalize and file the Joint Proposed Scheduling Order and Discovery Plan by June 29, 2023.

9. The parties apologize for their oversight and delay in submitting their Joint Proposed Scheduling Order and Discovery Plan, which has now been filed with the Court. *See* Doc. 18.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2023, the foregoing was filed electronically using the court's electronic filing system which will send notice to all counsel of record in this case.

/s/ M. Katherine Paulus

COUNSEL FOR PLAINTIFF